

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

V.

(1) STRYKER BIOTECH, LLC,

(2) MARK PHILIP,

(3) WILLIAM HEPPNER,

(4) DAVID ARD and

(5) JEFFREY WHITAKER,

Defendants.

Criminal No: 09-CR-10330-GAO

**ASSENTED-TO MOTION TO
WITHDRAW DOCUMENT**

ASSENTED-TO MOTION TO WITHDRAW DOCUMENT

Pursuant to Local Rule 7.1, Defendant Stryker Biotech, LLC hereby moves to withdraw the document filed at Docket #167, which was filed in error.¹ The document has been correctly re-filed at Docket #169.

Respectfully submitted,

¹ The document was filed under the “motion to dismiss” category, rather than under the “memorandum” category.

STRYKER BIOTECH, LLC

/s/ Brien T. O'Connor

By: Brien T. O'Connor (BBO #546767)

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LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that I have contacted Assistant United States Attorney Gregory Noonan, and after conferring in good faith, AUSA Noonan assented to this motion.

/s/ Aaron M. Katz
Aaron M. Katz

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be served electronically to the registered participants identified on the Notice of Electronic Filing (“NEF”), and that paper copies will be sent via electronic mail to those identified on the NEF as non-registered participants on November 16, 2011.

/s/ Aaron M. Katz
Aaron M. Katz